

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff and Counterclaim-Defendant,

v.

Cellco Partnership d/b/a Verizon Wireless *et al*,

Defendants and Counterclaimant-Plaintiffs.

Case No. 2:25-cv-00391-JRG-RSP

(Lead Case)

HEADWATER RESEARCH LLC,

Plaintiff and Counterclaim-Defendant,

v.

T-MOBILE USA, INC *et al*,

Defendants and Counterclaimant-Plaintiffs.

Case No. 2:25-cv-00359-JRG-RSP

(Member Case)

HEADWATER RESEARCH LLC,

Plaintiff and Counterclaim-Defendant,

v.

AT&T SERVICES, INC. *et al*

Defendants and Counterclaimant-Plaintiffs.

Case No. 2:25-cv-00428-JRG-RSP

(Member Case)

HEADWATER’S ANSWER TO VERIZON’S COUNTERCLAIMS

Plaintiff and Counterclaim-Defendant Headwater Research LLC (“Headwater”) hereby answers Defendants and Counterclaimant-Plaintiffs’ Cellco Partnership d/b/a Verizon Wireless and Verizon Corporate Services Group, Inc. (collectively, “Verizon” or “Verizon

Counterclaimants”), counterclaims as follows:

THE PARTIES

1. Headwater does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 and on that basis: denied.

2. Headwater does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 and on that basis: denied.

3. Admitted.

4. Admit that Headwater is the owner and assignee of U.S. Patent Nos. 8,023,425 (“425 Patent”), 8,631,102 (“102 Patent”), and 8,799,451 (“451 Patent”) (collectively, the “Asserted Patents”).

JURISDICTION AND VENUE

5. Admitted.

6. Admitted.

7. Admitted.

8. Headwater admits that it has sued Verizon for infringement of the Asserted Patents and that there is a substantial, actual, and continuing controversy between Headwater and Verizon as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 8.

NATURE OF THE ACTION

9. Admitted.

10. Admitted.

11. Admitted.

12. Admit that Verizon asserts that the Asserted Patents are invalid, but deny that patents are invalid.

13. Admit that Verizon further denies any allegation of infringement of the Asserted Patents, but deny that Verizon does not infringe.

14. Headwater admits that it has sued Verizon for infringement of the Asserted Patents and that there is a substantial, actual, and continuing controversy between Headwater and Verizon as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 13.

15. Headwater admits Verizon seeks a declaratory judgment of non-infringement of the Asserted Patents, but denies that Verizon is entitled to the relief it seeks.

16. Headwater admits Verizon seeks relief, but denies that Verizon is entitled to the relief it seeks.

First Counterclaim
(Declaratory Judgment of Non-Infringement of the '425 Patent)

17. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

18. Admitted.

19. Admitted.

20. Denied.

21. Admitted.

22. Headwater admits Verizon seeks relief, but denies that Verizon is entitled to the relief it seeks.

Second Counterclaim
(Declaratory Judgment of Non-Infringement of the '102 Patent)

23. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

24. Admitted.

25. Admitted.

26. Denied.

27. Admitted.

28. Headwater admits Verizon seeks relief, but denies that Verizon is entitled to the relief it seeks.

Second Counterclaim
(Declaratory Judgment of Non-Infringement of the '451 Patent)

29. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

30. Admitted.

31. Admitted.

32. Denied.

33. Admitted.

34. Headwater admits Verizon seeks relief, but denies that Verizon is entitled to the relief it seeks.

PRAYER FOR RELIEF

In response to Verizon's prayer for relief, Headwater denies that Verizon is entitled to any relief, including any of the relief requested in paragraphs A–I of Verizon's prayer for relief. Further, Headwater requests the following relief:

WHEREFORE, Headwater respectfully requests that this Court enter:

a. A judgment in favor of Headwater that Verizon has infringed, either directly or indirectly, literally, under the doctrine of equivalents, or otherwise, the Asserted Patents;

b. A permanent injunction prohibiting Verizon from further acts of infringement of

the Asserted Patents;

c. A judgment and order requiring Verizon to pay Headwater its damages, enhanced damages, costs, expenses, and pre-judgment and post-judgment interest for Verizon's infringement of the Asserted Patents;

d. A judgment and order requiring Verizon to provide accountings and to pay supplemental damages to Headwater, including without limitation, pre-judgment and post-judgment interest;

e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Headwater its reasonable attorneys' fees against Verizon; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

JURY DEMAND

Headwater, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: July 25, 2025

Respectfully submitted,

/s/ Marc Fenster

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**ATTORNEYS FOR PLAINTIFF AND
COUNTERCLAIM-DEFENDANT,
Headwater Research LLC**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served on July 25, 2025 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster